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2732 EXAMINER	
07/07/98	
ART UNIT	PAPER NUMBER
12	

DATE MAILED:

Please find the attached communication from the EXAMINER in charge of this application.

Commissioner of Patents and Trademarks

Seema S. Rao
(703)-308-5463

Office Action Summary

Application No.
08/486,000

Applicant(s)
J. CARL COOPER

Examiner
Seema Rao

Group Art Unit
2732



☒ Responsive to communication(s) filed on May 18, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17, 19-31, and 33-66 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17, 19-31, and 33-66 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. The decelerations originally filed on June 2, 1997 and refiled on May 18, 1998, under 37 CFR 1.131 are sufficient to overcome the date of prior art reference, Ryan (U.S. 5,524,051).

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-12, 14-17, 19-25, 27-29, 31, 33-40, and 42-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (U.S. 5,406,626) in view of Yurt et al. (U.S. 5,132,992).

The reference, Ryan, discloses an access system for multiple programs, as in claims 1, 10, 25, 28, 33, 37, 40, 43, 48, and 56, in Fig.1. A recording medium (storage media), as in claims 1, 10, 25, 28, 33, 37, 40, 43, 48, and 56, is disclosed in Fig. 1, element 28. Selecting a particular program, as in claims 1, 10, 25, 37, 40, 43, 48, and 56, is disclosed in column 2, lines 60-65.

The reference, Ryan, discloses all of the limitations of claims 1, 2, 3, 10, 25, 37, 48, and 56 except for the transmission in a compressed form and the decompression of the selected compressed program. The reference, Yurt et al, discloses the

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transmission in a compressed form and decompressing the received compressed program (see Fig. 6, column 3, lines 1-15). It would have been obvious to one of ordinary skill in the art to modify the system, as disclosed by Ryan, receive a compressed program and then decompress the program, as disclosed in Yurt et al, to increase the bandwidth capacity and thus increase the transmission capacity.

Storing the programs at the user location, as in claims 4 and 56, is disclosed in Fig. 1. A means for accessing program information, as in claims 4, 27, and 28, reads on the user interface and microcontroller, as in Fig. 1, elements 20 and 40. A data manager, as in claims 5, 8, 9, 27, and 38, reads on the conditional access circuitry, as shown in The Fig. 1, element 16. The reference discloses transmitting program identification data, accessing, and processing the program identification data, as in claims 6, 26, and 39, in column 2, lines 63-65. The identification reads on the "tagged " designation, as in column 2, lines 49-52. The data manager, as in claim 39, reads on the conditional access circuitry, as shown in The Fig. 1, element 16.

The reference, Ryan, discloses all of the limitations of claim 11, but does not disclose an optical storage for storing the programs. The reference, Yurt et al., discloses an optical disk for the program storage, as in claim 11, is disclosed in column 6, lines 20-22 and in column 12, lines 46-47. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the RAM to be optical in order to meet the system requirements like, storage capacity, speed, reliability, physical size of the memory, and the cost involved.

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A computer memory, as in claim 12, is disclosed in column 2, line 39. The access system having an ability to reproduce an accessible program with different run time than the intended run time, as in claims 21-24, and the interruption, as in claim 22, are disclosed in column 3, lines 50-59. The interruption anticipates the switch on the receiver and the verbal commands as disclosed in column 3, lines 56-59 and in column 3, lines 17-20. The reference, Ryan, discloses the processing of the program identification data, as in claim 27, in column 3, line 60 through column 3, line 20. The reference discloses an access system having a storage capability of overwriting previously stored material, as in claims 14 and 19, in Fig. 1, represented by memory 28.

The program information relative to the multiple channels of information and addition of other services, as in claims 35 and 36, are disclosed in column 3, lines 1-20. The number of sets of multiplicity programs, as in claim 42, reads on different categorized information, as disclosed in column 2, lines 63-65.

The reference, Ryan, discloses an access system with a decoder and an artifact modifier circuit, as in claim 29, in Fig. 1. The artifact modifier circuit, according to claim 31, a frequency converter, is disclosed in column 4, lines 13-25. It anticipates the microcontroller having the frequency converter feature. Selected portions from the same program and from different program, as in claims 44 and 45, anticipates the programs being recorded from different programs, as disclosed in column 1, lines

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65-68 and in column 2, lines 63-65. The reference discloses a receiver being a part of the radio receiver which can get the transmission on real time or the information can be recorded for later playback. Any interruption, as in claim 46, anticipates the three commands, "BACK", "STOP", and "GO", as disclosed in column 3, lines 17-20.

The compensation of the time in different ways, as in claims 46 and 54, and frequency shift, as in claims 47 and 55, are disclosed in column 3, lines 50-59. The frequency shift anticipates the speed change, as disclosed in column 3, lines 54-55. Upcoming events, as in claim 49, reads on any of the categories, as disclosed in column 3, lines 11-15. Controlling the selective programs, to be automatically recorded, based on the data in the data manager, as in claim 50, reads on the conditional access as in column 4, lines 40-49. The user do not have any control over the transmitted programs, as in claim 51, and the programs being continues, as in claim 52, are inherent to the system disclosed by the reference and is disclosed in column 3, lines 38-43. Different ways of personalizing the data to be recorded, as in claims 15-17, 57-62, and 64-66, are disclosed in column 2, lines 60-65.

The recording of data over the recorded programs, as in claims 14 and 63, anticipates the RAM in the memory of the receiver which is used for the temporary storage of the data. Additionally, recording over the previously recorded programs is inherent to the system disclosed by the reference which has a storage capacity enough for few hours (column 3, lines 53-59). The recorder simultaneously recording the selected portions of the transmitted programs as the selected portion is being

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selectively retrieved by the user control, as in claims 28, 43, and 53, is inherent to the system as disclosed in column 3, lines 38-43. The system updates at all times anticipate the receiver retrieving and playing simultaneously.

4. Claims 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (U.S. 5,406,626).

The reference, Ryan, discloses all of the limitations of claims 7, and 26, but does not disclose delaying the programs to allow processing of the program identification data. The reference, however discloses decryption of the data prior to the program storage, as shown in the Fig. 1, represented by elements 14-28. From the Fig. It is obvious that the program data is delayed until the decryption of the program related data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the decryption of the signal, as disclosed by Ryan, by delaying the program data allowing the processing of the program identification data in order to make the system reliable and secured.

5. Claims 13, 30, and 41 are rejected under 35 U.S.C.103(a) as being unpatentable over Ryan (U.S. 5,406,626) in view of Barrett (U.S. 5,287,420).

The reference, Ryan, discloses all of the limitations of claims 13, 30, and 41, but does not disclose the program data as a compressed MPEG data, a video television compression technique. The reference, Barrett, discloses a video broadcasting system



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compressing video in to MPEG form in column 4, lines 41-47. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the compressed signal of the reference Ryan, to be in MPEG form, as disclosed by Barrett, in order to use the system for television services and achieve better decompression.

Remarks

Arguments regarding the rejection of claims 1-17, 19-31, and 33-66 are moot in view of new grounds of rejection based on the prior art Ryan, U.S. 5,406,626, filed on March 15, 1993, which is prior to the priority date claimed by the Applicants. The declarations, submitted by the Applicants, are acknowledged however, they do not antedate the Ryan reference used for the art rejection.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications intended for entry)

Or:

(703) -308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2021
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry of a general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 305-3900**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seema S. Rao whose telephone number is (703) 308-5463.

SR
Seema S. Rao

July 6, 1998



DOUGLAS W. OLMS
SUPERVISORY PATENT EXAMINER
GROUP 2700